

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 DEC 31 AM 10:04

Magistrate Docket No. 07 MJ 3008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

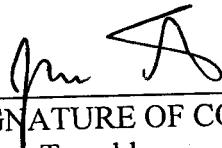
) Plaintiff,)
 v.)
 Antonio ALDAMA-Pacheco,)
 Defendant)

) COMPLAINT FOR VIOLATION OF:
 BY: Title 8, U.S.C., Section 1326
 Deported Alien Found in the
 United States

The undersigned complainant, being duly sworn, states:

On or about December 30, 2007, within the Southern District of California, defendant, **Antonio ALDAMA-Pacheco**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 31st DAY OF DECEMBER,
2007.



 Cathy A. Bencivengo
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Antonio ALDAMA-Pacheco**PROBABLE CAUSE STATEMENT**

On December 30, 2007, at approximately 1:45 P.M., Border Patrol Agent E. Mendoza was performing line watch duties in the Imperial Beach area of operations. Agent Mendoza was checking for footprints on the border road in an area known as Whiskey 10. This area is approximately three miles west of the San Ysidro, California Port of Entry and adjacent to the United States / Mexico International Boundary Fence. Agent Mendoza found foot prints heading north from the Boundary fence. Agent Mendoza followed the footprints approximately 50 yards north and after a brief search encountered eight individuals attempting to conceal themselves in some dense brush. Agent Mendoza identified himself as a United States Border Patrol Agent and proceeded to conduct an immigration inspection on the eight individuals. All individuals, including one later identified as the defendant **Antonio ALDAMA-Pacheco**, admitted to being citizens and nationals of Mexico. All individuals also admitted to being illegally present in the United States without proper immigration documents that would allow them to enter into or remain in the United States legally. All individuals including the defendant were placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 17, 2007**, through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico, and that he is present without immigration documents that would allow him to enter or remain in the United States legally.